

## RESPONSE

### **Remark 1:**

With all due respect, Applicant has cancelled Claims 1 and 3 to 9 herein, without prejudice.

### **Remark 2:**

With all due respect, Applicant respectfully requests the Examiner withdraw Flashinski and Barnhart as anticipating prior art references under 35 USC Section 103(a). Applicant submits that the cited prior art does not teach or anticipate a flat container for use in an insecticidal vaporizer, the container having an bottom surface with a plurality of uniformly-distributed protuberances extending therefrom for direct contact with a heating surface in an insecticidal vaporizer, whereby in use, the protuberances define an air gap between the exterior bottom surface of the container and the heating surface.

### **Remark 3:**

Flashinski teaches away from all of the claimed elements of the present invention. Flashinski teaches that it is an advantage to eliminate contact between the heating surface and the insecticidal container, whereas the present invention provides for direct contact between the lower surface of the container and the heating surface (see column 1, lines 61-63 and column 2, lines 22-25). Flashinski teaches a support device shown in FIGS. 7 and 11 for retaining the insecticide tray entirely suspended above the heating surface. In the present invention, the protuberances are uniformly distributed over the entire outer surface of the bottom of the reservoir, and they are in direct contact with the heating surface.

### **Remark 4:**

Similarly, Barnhart teaches away from the present invention. Barnhart teaches that the heating

element 7 is in close proximity to the heat conductive cup 6, inserted into the space between a bracket extending from the bottom of the cup (columns 3-4, lines 66-67 and 1-2). Barnhart does not teach direct contact between the heating element and the reservoir portion of the container. Nor does Barnhart teach a reservoir portion having a plurality of indentation or protuberances extending, for direct contact with a heating element. The reservoir or cup taught by Barnhart is flat.

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Amendment and Response to Paper 9

Filing Date: May 30, 2001

Date Mailed: December 1, 2003

Title: **HEAT-REGULATING CONTAINER FOR ATMOSPHERE  
CONDITIONING SYSTEM**

Serial No.: 09/870,115

Attorney Docket No.: CLX-701  
(470.156)

## CONCLUSION

Applicant respectfully submits that for all the foregoing reasons, the claimed subject matter describes patentable invention. Furthermore, Applicant submits that the specification is adequate and that the claims are in a condition for allowance. No new matter has been entered.

Applicant hereby respectfully requests Examiner to enter these amendments, find them descriptive of useful, novel and non-obvious subject matter, and authorize the issuance of a utility patent for the truly meritorious, deserving invention disclosed and claimed herein.

Without further, Applicant does not intend to waive any claims, arguments or defenses that they may have in response to any official or informal communication, paper, office action, or otherwise, and expressly reserves the right to assert any traverse, additional grounds establishing specificity and clarity, enablement, novelty, uniqueness, non-obviousness, or other patentability, etc.

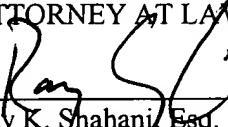
Further, nothing herein shall be construed as establishing indirectly the basis for any prosecution history, file wrapper estoppel, or similar in order to limit or bar any claim of infringement of the invention described herein, either directly or under applicable doctrine of equivalents.

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Respectfully submitted,

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**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that this paper and the documents referred to as attached therein are being deposited with the United States Postal Service using "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to "Commissioner of Patents and Trademarks, Washington, D.C. 20231" using express mail label number EL 978431285 US.

Signed: 

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